IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SIXTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION NO : 238 of 1998

Between:

1. Vemuri Vijaya Durga Venkata Narasimha Prasad, s/o Vivekananda Chowdary, Ramachandra Nagar, Vijayawada,
2. M/s Jayalakshmi Builders, Managing Partner K. Venkateswara Swamy, old Postal Colony, Vijayawada,
3. Gorripati Gopala Krishnaiah, s/o G.V. Raghavaiah, Ramachandranagar, Vijayawada,
4. Arekapudi Sreenivas Rao s/o Appa Rao, C2, Sita Apartments, Vijayawada,
5. Anne Sambasiva Rao s/o Nageswar Rao, C2, Sita Apartments, Vijayawada,
6. Ch. Vijaya Saradhi s/o Pardhasardhi, Maruthinagar, Vijayawada,
7. G.V.S.N. Murthy s/o Chidambaram, Poranki Porr, Krishna District,
8. G. Bhondh, Contractor, Tahkatoor Palem, Gudur mandal, Machilipatnam,,
9. K.V.V. Prasad, Contractor, Kamayathopu, Penvaloor mandal, Krishna District,
10. V.Balakrishna, Contractor, K.D.O's Colony, Vijayawada,
11. V. Mohan Rao, Contractor, K.D.O's colony, Vijayawada,
12. P. Madhusudhan Rao, Contractor, Karnamgiri street, Vijayawada,
13. A.V. Subba Rao, contractor, Bharathinagar, Vijayawada,
14. P. Subba Rao, Contractor, Karnamgiri bazaar, Vijayawada,
15. G. Murlidhar Babu, contrctor, Karnamgiri Bazar, Vijayawada,
16. P. Sambasiva Rao, Contractor, Kaikalur, Krishna District,
17. S.V. Padma Reddy, Contrctor, Pragathinagar,Ramanthpaur, Vijayawada,

18. M. Madusudhan Rao, contractor, Timvoor, Krishna District.

19. K. Anantha Rao, Contractor, Anndala Valasa, Srikakularm District,

20. Laxmi Constructions, Vijayawada, represented by its Managing Partner N.Sagar.

..... PETITIONERS

AND

1 Superintending Engineer, R&B Circle, Nellore.
2 Superintending Engineer, R&B Circle, Eluru.
3 Superintending Engineer, R&B Circle, Guntur.
4 Superintending Engineer, R&B Circle, Kakinada.
5 Superintending Engineer, R&B Circle, Vishakapatnam.
6 Superintending Engineer, R&B Circle, Warangal.
7 Superintending Engineer, R&B Circle, Balkampet, Hyderabad.
8 Superintending Engineer, R.W.C., Vijayawada.
9 Superintending Engineer, Panchayatraj Circle, Guntur.
10 Superintending Engineer, Panchayatraj Circle, Khammam .
11 Superintending Engineer, Panchayatraj Circle, Warangal.
12 Superintending Engineer, Panchayatraj Circle, Eluru.
13 Superintending Engineer, Panchayatraj Circle, Kakinada.
14 Superintending Engineer, Panchayatraj Circle, Vishakapatnam.
15 Superintending Engineer, Panchayatraj Circle, Srikakulam.
16 Superintending Engineer, Panchayatraj Circle, Vijayawada.
17 Superintending Engineer, Panchayatraj Circle, Nellore.
18 Superintending Engineer, Panchayatraj Circle, Hyderabad.
19 Superintending Engineer, Panchayatraj Circle, Nalgonda.
20 Superintending Engineer, Public Health Circle, Rajahmundry.
21 Superintending Engineer, Public Health Circle, Guntur.
22 Superintending Engineer, Public Health Circle, Vishakapatnam.
23 Superintending Engineer, Public Health Circle, Hyderabad.
24 Superintending Engineer, Public Health Circle, Nellore.
25 Superintending Engineer, S.C.Corporation, Guntur.
26 Executive Engineer, Marketing , Guntur.
27 Executive Engineer, Marketing , Vijayawada.
28 Superintending Engineer, Teluru Ganga Project, Srikalahasthi, Nellore.
29 Superintending Engineer, Irrigation Circle, Eluru.
30 Superintending Engineer, Irrigation Circle, Vijayawada.
31 Superintending Engineer, Irrigation Circle, Guntur.
32 Superintending Engineer, Irrigation Circle, Dhavaleshwaram.
33 Executive Engineer, Tirumala Tirupathi Devastanam, Tirupathi.
34 Superintending Engineer, Irrigation Circle, Warangal.
35 Superintending Engineer, Irrigation Circle, Vishakapatnam.
36 Commissioner, Vijayawada Municipality, Krishna District.
37 Superintending Engineer, Vamshadara Project, Srikakulam.
38 Executive Engineer, V.U.D.A., Vijayawada.

(Petition against Respondents 8 to 38 is dismissed for default as per court order dt.4.9.2001)

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue order or direction more particularly in the nature of writ of mandamus declaring the action of the respondents is not issuing tender schedules on the ground of nonpayment of Earnest Money Deposit, Commercial tax clearance certificate and Experience certificate as illegal, arbitrary and violation of fundamental rights under article 19 (1) g and consequently direct the respondents to issue tender schedules in all tender notices without insisting Earnest Money Deposit, Commercial tax clearance certificate and Experience certificate.

For the Petitioner: MR.K.ANJI REDDY, Advocate

For the Respondents 1 to 38: GP FOR ROADS & BUILDINGS

The Court made the following :

ORAL ORDER

This Writ Petition is filed seeking a direction to the respondents to issue tender schedules without insisting upon Earned Money Deposit, Commercial Tax Clearance Certificate and Experience certificate.

A learned Single Judge of this Court, while ordering rule nisi by his order dated 06-01-1998, passed an interim direction to the respondents to issue tender schedules without insisting Earned Money Deposit.

In view of the interim orders passed by this Court on 06-01-1998, no further orders are required in this writ petition.

This writ petition is accordingly dismissed. No costs.

6th December, 2004

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ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1 Superintending Engineer, R&B Circle, Nellore.
2 Superintending Engineer, R&B Circle, Eluru.
3 Superintending Engineer, R&B Circle, Guntur.
4 Superintending Engineer, R&B Circle, Kakinada.
5 Superintending Engineer, R&B Circle, Vishakapatnam.
6 Superintending Engineer, R&B Circle, Warangal.
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39.2 C.Cs to Govt. Pleader for Roads & Buildings, High Court buildings, Hyderabad (O.U.T.)

40. 2 C.D. copies